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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE NATIVITY STONE COLLECTION,
LLC

Plaintiff,

vs.

SAS GROUP, INC., a New York corporation;
DOES I through XX, inclusive, ROES I
through XX, inclusive

Defendants.

Case 2:17-cv-03073-RFB-NJK

**STIPULATION AND [PROPOSED]
ORDER:**

**(1) CONTINUING HEARING ON
TEMPORARY RESTRAINING ORDER
AND PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION
AND
(2) SETTING BRIEFING SCHEDULE**

[FIRST REQUEST]

Plaintiff The Nativity Stone Collection, LLC ("Plaintiff") and Defendant SAS Group, Inc. ("Defendant," and together with Plaintiff, the "parties"), by and through their respective counsel, hereby STIPULATE AND AGREE:

1. The instant action was initially filed by Plaintiff in the District Court for Clark County, Nevada.

2. On December 8, 2017, the state district court entered an order granting Plaintiff's application for a temporary restraining order (the "TRO") and setting a hearing on Plaintiff's motion for preliminary injunction for December 19, 2017.

3. Defendant was served with the Complaint, Summons and Order Granting Temporary Restraining Order on December 11, 2017. Notice of entry of the TRO and the order setting hearing on Plaintiff's motion for preliminary injunction was entered on December 15,

1 2017. Although Defendant was not served with notice of entry of the TRO and the state district
2 court's order setting hearing on Plaintiff's motion for preliminary injunction until December 20,
3 2017, Plaintiff did deliver a courtesy copy of the then-to-date filings to Defendant on or about
4 December 13, 2017.

5 4. On December 15, 2017, Defendant removed this action to the United States
6 District Court for the District of Nevada based upon the Court's diversity jurisdiction.

7 5. On December 19, 2017, the Court entered a Minute Order [ECF No. 4] setting a
8 hearing regarding the TRO and Plaintiff's motion for preliminary injunction. The Court's
9 Minute Order required Defendant to file any opposition to Plaintiff's motion for preliminary
10 injunction by December 20, 2017.

11 6. Defendant requires additional time to file a substantive opposition to Plaintiff's
12 motion for preliminary injunction. In addition, Defendant has informed Plaintiff that it will be
13 filing a motion to dismiss for lack of personal jurisdiction if the Parties are unable to resolve
14 their dispute.

15 7. In the last several days, the Parties have engaged in good faith settlement
16 discussions in an attempt to resolve their dispute, and the Parties intend to continue those
17 discussions in earnest.

18 8. To avoid incurring litigation expenses or requiring the Court to devote time to this
19 matter when a resolution is feasible, the Parties have agreed to continue the hearing regarding
20 the TRO and Plaintiff's motion for preliminary injunction to January 10, 2017 at 3 p.m. The
21 TRO will be extended and remain in full force and effect until the continued hearing date.

22 9. The parties stipulate and agree that the briefing schedule shall be extended as
23 follows: (1) Defendant's response to the motion for preliminary injunction as well as its motion
24 to dismiss for lack of jurisdiction shall be filed not later than December 28, 2017; (2) Plaintiff's
25 reply in support of its motion for preliminary injunction as well as its response to Defendant's
26 motion to dismiss shall be filed not later than January 4, 2018; and (3) Defendant's reply in
27 support of its motion to dismiss shall be filed not later than January 8, 2017.

1 10. Nothing herein shall be construed as consent to the Court's exercise of personal
2 jurisdiction over Defendant, nor do the Parties waive any claim or defense regarding subject
3 matter or personal jurisdiction through this Stipulation.

4 11. Further, nothing herein shall be deemed an admission regarding the merits of the
5 Parties' claims and/or defenses.

6 12. The stipulation is not made for the purpose of delay.

7 13. This is the first stipulated request to continue the hearing.

8 DATED this 21st day of December 2017.

9 JOHNSON & GUBLER, P.C.

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10
11 /s/ Matthew L. Johnson

/s/ Eric D. Hone

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20 *Attorneys for The Nativity Stone Collection*
21 *LLC*

22 **ORDER**

23 IT IS SO ORDERED.

24 

25 UNITED STATES DISTRICT JUDGE

26 DATED: December 21, 2017